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Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

J. DOE 1, et al.,

Individual and Representative Plaintiffs,

v.

GITHUB, INC., et al.,

Defendants.

Case Nos. 4:22-cv-06823-JST
4:22-cv-07074-JST

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF JOINT CASE
MANAGEMENT STATEMENT**

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs hereby move the Court to file under seal portions of the Joint Case Management Statement filed on September 8, 2023.¹ The Court previously ordered similar information that would allow members of the public to discern Plaintiffs' identities filed under seal. *See* ECF No. 133. Accompanying this Motion is the Declaration of Travis Manfredi in Support of Plaintiffs' Administrative Motion to File Under Seal ("Manfredi Decl.") and a proposed order.

II. ARGUMENT

Courts "recognize a general right to inspect and copy public records and documents, including judicial records and documents." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (internal quotation marks omitted). Courts have "carved out an exception" to the compelling reasons standard for "materials attached to a . . . motion unrelated to the merits of the case." *Id.* at 1097–99. "[P]ublic access will turn on whether the motion is more than tangentially related to the merits of a case." *Id.* at 1101. "Under this exception, a party need only satisfy the less exacting 'good cause' standard." *Id.* at 1097. "The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" *Id.* (quoting Fed. R. Civ. P. 26(c)) (citations omitted).

The filing in question is merely a Joint Case Management Statement apprising this Court of the status of discovery and other matters requiring the Court's attention. No ruling will be made on this statement, as no relief is sought. Further, the confidential information contained therein has already been adjudged by this Court to be redacted and maintained under seal—nothing has changed the necessity of maintaining the seal. ECF No. 133 (granting Plaintiffs' motion to seal similar information); *see also generally* ECF No. 97 (setting forth reasons why sealing is appropriate). Thus, no party will be prejudiced by the Court's decision on this Sealing Motion.

¹ ECF No. 149. Plaintiffs are concurrently filing a Motion to Remove Incorrectly Filed Document as Plaintiffs have discovered that the document was inadvertently filed omitting certain redactions of confidential material.

III. CONCLUSION

For the reasons stated above, the Plaintiffs request the following paragraphs of the FAC be filed under seal:

Reference	Description of Information	Reason for Sealing
JCMS page 9, lines 25–27	Descriptions of Plaintiffs' code projects	This information would allow the public to determine Plaintiffs' true identities. The Court has already determined it is appropriate for portions of Plaintiffs code to be filed under seal to protect their identities from being revealed. ECF No. 133.

Manfredi Decl. ¶ 4.

Dated: September 12, 2023

By: /s/ Travis Manfredi
Travis Manfredi

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